

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

DARNELL MITCHELL,

Plaintiff,

v.

Civil Action No. 3:16CV178

MS. RUDSILL, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on April 6, 2016, the Court conditionally docketed the action. At that time, the Court directed Darnell Mitchell to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Mitchell that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Mitchell has not complied with the order of this Court. Mitchell failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum  
Opinion to Mitchell.

/s/

*REP*

Robert E. Payne  
Senior United States District Judge

Date: *May 26, 2016*  
Richmond, Virginia